

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

REGAL FABRICS, INC.,)
Plaintiff,)
v.) Civil Action No. 04-10961-RWZ
KOBA, INC., an Illinois corporation;)
IBR CORPORATION, d/b/a Harbortown Division,)
an Illinois corporation; and)
SHOPKO STORES, INC, a Wisconsin corporation,)
Defendants.)

)

NOTICE OF WITHDRAWAL OF MOTION TO DISMISS

Defendants Koba, Inc.; IBR Corporation and Shopko Stores, Inc. (collectively "Defendants") hereby withdraw their Motion to Dismiss Pursuant to Rule 12(b)(6) which was filed on July 7, 2004. The grounds for this withdrawal are that Plaintiff has filed an Amended Complaint which causes the Motion to Dismiss to be moot.

Respectfully Submitted,

**KOBA, INC.; IBR CORPORATION and
SHOPKO STORES, INC.**

By their attorneys,


Mark Schonfeld (BBO # 446980)
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Dated: August 6, 2004

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document
was served upon the attorney of record for each other
party by (hand) (mail) on AUG 6 2004
Mark Schonfeld